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Sri Lanka

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I. Introduction

Background

1. In January 2015, Sri Lanka underwent an important transition where a new coalition government was formed following a presidential election. Thereafter in August 2015 the present government was elected following the parliamentary election.

2. Since 2015, greater democratic space has been created through a series of constitutional and administrative reforms. The new government made a firm commitment to finding solutions to national issues including complex post-armed conflict challenges of peace and reconciliation. The UN High Commissioner for Human Rights and other UN bodies as well as the European Commission during its assessment of Sri Lanka's application for the Generalised System of Preferences (GSP) Plus trade facility, acknowledged the considerable progress that has been made by the government.

3. The present report aims to outline the progress made in the promotion and protection of human rights in the country since Sri Lanka's second Universal Periodic Review cycle (UPR) in 2012, and the implementation of recommendations made to Sri Lanka and the voluntary pledges undertaken during the first and second UPR cycles in 2008 and 2012 respectively.

II. Methodology and consultations

4. The methodology adopted in the preparation of this Report was twofold: first, relevant government agencies gathered and synthesized information; second, public consultations with non-governmental stakeholders were held to seek their views and to address issues pertinent to civil society.

Data gathering and synthesis

5. First, an inter-ministerial working group comprising officials from relevant government ministries and departments met and synthesised information on the status of implementation, with respect to the recommendations Sri Lanka received during the two previous UPR cycles. A focal point at the UN Division of the Ministry of Foreign Affairs (MFA) was appointed to gather information and liaise with relevant stakeholders.

6. Second, the MFA undertook a review of the recently finalised National Human Rights Action Plan (NHRAP) 2017-2021 to ascertain the extent to which UPR voluntary pledges and recommendations from 2008 and 2012 have been incorporated into the Plan. The process through which the Plan was developed in 2016 specifically included a commitment to integrate UPR recommendations into the various thematic chapters of the Plan.

National consultations

7. National consultations for the purpose of formulating this Report were held in two stages. First, the process through which the current NHRAP was developed was considered as the first stage of consultations, as the recommendations of both UPR cycles were incorporated into the Plan. The process for developing the current NHRAP included the establishment of two coordinating committees representing the government and civil

society organisations to provide overall guidance to the drafting process. Thereafter, government officials and civil society actors were appointed to the ten drafting committees tasked with developing the thematic chapters. An official webpage was created to receive public recommendations. Further public consultations were held inviting the general public and civil society to submit their observations and recommendations. Finally, the draft NHRAP was circulated among line ministries, the Human Rights Commission of Sri Lanka (HRCSL), UN agencies and several high-level human rights experts for the purpose of obtaining feedback before it was presented for approval of the Cabinet of Ministers in January 2017.

8. Based on the information obtained through this process a draft National Report was prepared. The Office of the High Commissioner for Human Rights (OHCHR), through its senior human rights advisor based in Sri Lanka, was consulted in designing the structure and presentation of the Report. Meanwhile, HRCSL submitted its own UPR shadow report, which the Government of Sri Lanka (GOSL) took specific cognizance of in the preparation of the draft National Report.

9. The draft National Report was published on the website of the MFA, and circulated among civil society organisations during public consultations. The draft Report was also published in Sinhala and Tamil with a view to ensuring constructive feedback from a diverse set of stakeholders. Announcements were made via newspaper advertisements in English, Sinhala and Tamil to inform the public and civil society organisations on how to access the draft Report and provide feedback.

10. Direct consultations on the draft National Report were organised in Colombo, Galle, Kandy, Jaffna and Kalmunai taking into consideration the sectoral and ethnic diversity of the country. The Consultations were welcomed by all the participants, as it was the first time the government engaged with the public to actively seek their views on a UPR National Report. This was evidenced by the open and active participation of many members of the general public, civil society organisations, grass root organisations, academics, UN agencies, international non-governmental organisations, university students, journalists, and indigenous groups that attended these consultations. The participants were given an opportunity to present their views individually or in groups.

Finalisation of the national report

11. Once all information was gathered and consultations completed, the National Report was prepared in compliance with the guidelines issued by the UNHRC through resolution 16/21 dated 12 April 2011.

III. Legal and institutional framework

A. Constitutional and statutory framework

Constitution

Voluntary pledge set forth in paragraph 93 UPR Working Group Report (2008)[1]

12. The Constitution of Sri Lanka adopts a dualist model. Thus the fulfilment of Sri Lanka's obligations under international treaties is facilitated *vis-à-vis* the provisions of the Constitution, domestic legislation, and regulations made under the principal laws. International conventions to which Sri Lanka is a party have been recognised through legal, constitutional and judicial processes prevailing in Sri Lanka.

13. The Sri Lankan Constitution contains a separate Chapter on Fundamental Rights[2]. The scope of these rights has been expanded through the jurisprudence of the Supreme Court of Sri Lanka, which has the jurisdiction to grant equitable relief including compensation for the violation of these rights. For instance, the right to life is not explicitly included in the fundamental rights chapter of the Constitution. However, in *Sriyani Silva v. Iddamalgoda* [2003][3], the Supreme Court of Sri Lanka recognised that the right to life is implicitly included in the Constitution.

14. A new Bill of Rights is currently being considered as part of constitutional reforms. A Parliamentary Sub-Committee on Fundamental Rights has already presented its final report. The report included explicit rights to life and privacy and extended the right to non-discrimination by including additional grounds such as disability, gender identity and sexual orientation.

Convention Against Torture Act and ICCPR Act

15. The Torture Act[4] incorporates the Convention Against Torture[5] (CAT) into domestic law. Moreover, the ICCPR Act[6] incorporates specific provisions of the ICCPR that are not explicitly or implicitly recognised by the Constitution.[7]

16. The Supreme Court of Sri Lanka has jurisdiction to inquire into fundamental rights violations by executive or administrative actions of the State. Any aggrieved party or his or her legal representative may file a petition before the Supreme Court within one month of an actual or imminent infringement of a fundamental right. Furthermore, *locus standi* for fundamental rights petitions has been expanded through Supreme Court decisions. Moreover, the High Court of Sri Lanka has jurisdiction to try offences under the Torture Act and the ICCPR Act.

Assistance to and Protection of Victims of Crime and Witness Act

Recommendations set forth in paragraph 128 of the UPR Working Group Report (2012)[8] – 25; voluntary pledge set forth in paragraph 90 (2008)

17. In March 2015, Sri Lanka enacted the Assistance to and Protection of Victims of Crime and Witness Act[9] 2015. The Act sets out rights and entitlements of victims of crime and witnesses, and the protection and promotion of such rights and entitlements. Moreover, it provides for the payment of compensation to victims of crime and establishes a special fund[10]. It also establishes a National Authority[11], and a special Division in the Sri Lanka Police.[12] On 8th January 2016, President Maithripala Sirisena inaugurated the Authority. For the year 2016, the Ministry of Justice allocated Rs. 2 million for the initial work pertaining to the setting up of the Authority, which will be increased for 2017 in order to facilitate the Authority to commence its work. Meanwhile, a Board of Management of the Authority developed a programme of action, and the Inspector General of Police (IGP) has initiated action aimed at establishing the special Division.

New domestic enabling legislation

18. Sri Lanka ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 8th February 2016 and signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on 10th December 2015, following which measures have been taken to introduce comprehensive legislation that incorporates the provisions of the Conventions into domestic law.[13]

B. Mechanisms established for implementation

Human Rights Commission of Sri Lanka

Recommendations set forth in paragraph 127 (2012) – 30, 31, 32, 23, 34, 36, 37, 38, 39, and 40, and 128 (2012) – 14 and 28; and voluntary pledge set forth in paragraph 89 (2008)

19. The independence of the HRCSL has been strengthened following the enactment of the Nineteenth Amendment to the Constitution on 15th May 2015. This constitutional amendment restricts the discretionary authority that was previously conferred on the President to appoint members to statutory authorities including the HRCSL. These appointments are now recommended by the Constitutional Council. Dr. Deepika Udagama, a highly acclaimed human rights advocate was appointed as the new chairperson of the HRCSL in October 2015. Since the appointment of the new commissioners, the HRCSL has been instrumental in providing constructive feedback on key policy documents such as the NHRAP 2017-2021. It has also submitted shadow reports to international treaty bodies including the UN Committee Against Torture, and has issued key human rights directives, such as the directives on standards and procedures to be followed when arresting and detaining suspects under the Prevention of Terrorism Act (PTA)[14], and has submitted recommendations on key human rights issues in its advisory capacity, which the government has taken cognizance of.

20. The HRCSL has the authority to entertain complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution by conciliation and mediation. It also has the power to investigate infringements of fundamental rights and to monitor the welfare of persons in detention. The Commission has the authority to advise and assist the government in formulating legislation and policy and to make recommendations to ensure compliance of national laws and administrative practices with international human rights norms and standards.

Ministry of Women and Child Affairs

21. The Ministry of Women and Child Affairs (MWCA) is the apex body responsible for the overall implementation of policies, laws and obligations arising under international conventions[15] relating to women and children. Moreover, Women's Development Officers, Women and Children Police Help Desks, and Children and Women Units at the Divisional Secretariat level perform important functions with respect to the empowerment of women, and protecting and promoting women's rights.

22. The departments and statutory institutions assigned to MWCA to protect children include the National Child Protection Authority (NCPA) and the Department of Probation and Childcare Services (DPCCS). Furthermore, specific matters relating to child welfare and child protection are handled by a number of line ministries, including the Ministry of Social Empowerment and Welfare, Ministry of Justice, the Ministry of Education and the Ministry of Health.[16] In addition, there are nine Provincial Departments of Probation and Childcare Services in the nine provinces headed by a Provincial Commissioner. The provincial departments receive funds annually from the Treasury through the respective provincial councils. At the district, divisional and village level, Child Development Committees monitor all aspects in relation to the advancement of child rights. These Committees consist of government officials drawn from different sectors, representatives from civil society organisations and religious leaders.

Official Languages Commission

23. The Official Languages Commission was established in 1991 and is vested with a range of powers to ensure implementation of provisions in the Constitution relating to

language. It is mandated to recommend language policy, promote the use and appreciation of official languages and conduct inquiries in response to any complaint on the violation of language laws.

NGO oversight

Recommendations set forth in paragraph 128 (2012) – 85

24. The NGO Secretariat, which is the state agency responsible for the regulation of NGOs in Sri Lanka, was assigned to the Ministry of Coexistence, Dialogue and Official Languages, thus removing it from the Ministry of Defence and ensuring that its oversight was assigned to a civilian authority.

C. National Human Rights Action Plan

Recommendations set forth in paragraph 127 (2012) – 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 29, 41; voluntary pledge set forth in paragraph 4.2 (2013)[17]

25. The NHRAP 2011-2016 was adopted by the Cabinet of Ministers in May 2011 upon formulation and submission by the former Ministry of Human Rights and Disaster Management. A Cabinet sub-committee was thereafter appointed to monitor its implementation. However, the previous government encountered significant challenges in the implementation of the Plan and thereafter measures to disseminate and implement the Plan were discontinued.

26. Following the change in government in January 2015, several action points including the following were identified and integrated into the current reform agenda:

(a) Review the Prevention of Terrorism Act (PTA) of 1979 to meet international standards;

(b) Amend the Code of Criminal Procedure Act to ensure that acknowledgment of an arrest is communicated to family members, to enable Magistrates to visit places of detention; and to grant prompt access to lawyers;

(c) Criminalize enforced disappearances;

(d) Enact and fully implement a Witness and Victim Protection law;

(e) Adopt legislation on the right to information;

(f) Introduce reforms to address delays in the administration of justice; and

(g) Review and implement an anti- sexual harassment policy in government sector institutions.

27. The critical lessons learnt during the process of implementing the previous Action Plan have been incorporated into the development, dissemination and implementation of the current NHRAP 2017-2021.

28. The NHRAP 2017-2021 was presented to the Cabinet of Ministers in January 2017, and is currently being translated into Sinhala and Tamil languages. The Plan contains relevant, measurable and practical action points relating to the promotion and protection of human rights in ten thematic areas.[18] The Plan will be implemented through an Inter-Ministerial Committee.

D. Human rights education

Recommendations set forth in paragraph 127 (2012) – 35, 80, 81, 86 and 87; and voluntary pledges set forth in paragraphs 91, 92 and 112 (2008)

29. The Ministry of Education has included the subject of 'human rights' in the secondary school education curriculum. Since January 2017, Sri Lanka has successfully introduced a subject called 'Think Equal' in pilot schools across twelve districts. The new subject teaches children between the ages of three and seven, social and emotional intelligence and core values including gender sensitivity, equality and human rights. The project aims to fulfil Sri Lanka's commitment to introduce human rights education pursuant to General Assembly resolution 59/113 A of 10 December 2004 proclaiming the World Programme for Human Rights Education, and strengthen the reconciliation process aimed at achieving long-term sustainable peace. On 1 August 2017, the Cabinet of Ministers approved the introduction of this programme in all pre-schools in the country.

30. Human rights education forms part of the training of all law enforcement officers, members of the armed forces and prison officers. Such training includes lectures on the fundamental rights guaranteed by the Constitution, international human right norms, the law of criminal procedure, the rights of a citizen, and the duties and obligations of law enforcement officers.

31. The Sri Lanka Army has a Directorate of Human Rights and International Humanitarian Law (IHL) that is tasked with providing human rights and IHL training to all ranks. Furthermore, the International Committee of the Red Cross (ICRC) conducts regular IHL training programmes for Sri Lankan military personnel. Human rights forms part of the basic training of all new recruits at the Sri Lanka Police College, and part of examinations at the Police Higher Training Institute. Steps have also been taken to enhance public awareness of human rights for political leaders.[19]

IV. Implementation of recommendations and voluntary pledges

A. Cross-cutting issues

Equality and non-discrimination

Recommendations set forth in paragraph 128 (2012) – 53

32. Article 12 of the Sri Lankan Constitution guarantees the rights to equality and non-discrimination. The guarantees of equality and equal protection of the law under article 12(1) are not subject to any exception. However, the prohibited grounds of discrimination expressly included in article 12(2) are not exhaustive.

33. The final report of the parliamentary Sub-Committee on Fundamental Rights, recommended that the Fundamental Rights Chapter in the Sri Lankan Constitution include express guarantees of non-discrimination on the grounds of disability, gender identity and sexual orientation. Moreover, the current NHRAP 2017-2021 commits to eliminating any discriminatory provisions in Sri Lanka's Penal Code.

34. Article 16(1) of the Constitution provides that 'all existing written law and unwritten law shall be valid and operative' notwithstanding the fundamental rights chapter of the Constitution. Sri Lanka has, however, clarified before the UN Committee on Economic, Social and Cultural Rights that this article does not authorise the unequal or discriminatory application of Penal Code or other criminal law provisions against any particular individual

or community. Post-enactment judicial review of legislation is currently precluded under article 80(3) of the Constitution.

35. These specific provisions of the Constitution are currently being considered in the context of constitutional reform. Both the Public Representations Committee on Constitutional Reform and the parliamentary Sub-Committee on Fundamental Rights recommend reform of article 16(1) of the Constitution, and the introduction of post-enactment judicial review of legislation. These recommendations are currently under consideration by the Parliamentary Steering Committee on Constitutional Reform.

Reconciliation and accountability

Recommendations set forth in paragraph 127 (2012) – 8, 9, 21, 22, 23, 25, 26, 27, 28, 42, 45, 46, 52, 59, 75, 76, 77, 78, 82, 85, 89

36. The GOSL co-sponsored two UNHRC resolutions[20] that set out Sri Lanka's broad commitments to promote reconciliation, ensure accountability for alleged abuses of international human rights law and IHL during the armed conflict, and improve the human rights situation in the country. The constructive recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) form part of the substance of the resolutions. The LLRC report was also a core document in the formulation of the NHRAP 2017-2021. The resolutions specifically commit to the establishment of transitional justice mechanisms including an Office on Missing Persons (OMP), a truth-seeking commission, an Office on Reparations, and a special court with independent counsel.

37. Sri Lanka established three new agencies namely, the Ministry of National Integration and Reconciliation (MNIR) with the President as the Minister, the Ministry of National Co-existence, Dialogue and Official Languages, and the Office for National Unity and Reconciliation (ONUR) as an agency of the MNIR, to spearhead programmes to usher in unity and reconciliation in the country. In consultation with the two relevant Ministries, the ONUR developed a draft National Policy on Reconciliation through a one-year process of consultations with multiple stakeholders, and through revisiting previous national initiatives on reconciliation including the LLRC's report.[21] The policy was approved by the Cabinet of Ministers and was adopted in May 2017.[22] ONUR, in collaboration with state and private media, and through social media, has meanwhile commenced a nationwide media campaign to foster the vision of a plural and inclusive Sri Lanka.

38. In December 2015, the government established the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) under the Prime Minister's Office to ensure that the commitments under UNHRC Resolution 30/1 are met. The SCRM was tasked with the design and facilitating implementation of the government's transitional justice mechanisms, and also provides support for the non-recurrence agenda via ONUR.

39. Since its establishment, SCRM has entered into partnerships with the UN Country Team to ensure that international best practices are adopted in the design of the reconciliation mechanisms in Sri Lanka. These partnerships include those with UNDP, OHCHR, UN DPA, IOM, UNICEF, and UN Women. A Peace-building Priority Plan was accordingly formulated to provide support to actionable areas in the government's reconciliation agenda.[23] A high-level Steering Committee on Reconciliation was established to provide overall direction to all activities concerned with reconciliation and non-recurrence in Sri Lanka.[24]

40. In January 2016, the government appointed a Consultation Task Force (CTF) on processes relating to reconciliation and transitional justice. The CTF comprised civil society representatives and was assisted by a Committee of Experts, and a Representatives Committee, which connected the task force to relevant stakeholders. The CTF carried out

nationwide consultations and received over 7,000 submissions. Its final report was presented to government in January 2017, and is being considered in the process of preparing draft legislation to establish transitional justice mechanisms.

41. The government has taken steps to establish the four transitional justice mechanisms committed to under Resolution 30/1. First, in August 2016, it enacted legislation to establish the OMP. In July 2017, the OMP was assigned to the MNIR. Second, a Working Group comprising senior academics, government officials and transitional justice experts was appointed to draft legislation on a truth-seeking mechanism.[25] Third, a Reparations Technical Committee was appointed to draft legislation on the establishment of an Office of Reparations. The draft laws on a truth-seeking mechanism and Office of Reparations will be presented to Cabinet once the drafts are vetted by the Attorney-General for constitutional compliance. Following the extension of the timeline for implementation of 30/1, a high-level Committee chaired by the Prime Minister was set up by Cabinet to monitor implementation.

42. The release of private land occupied by the military is another major priority of the government. 24,336.25 acres of private land in the Northern and Eastern provinces have been released since the end of the war in 2009, out of which 4,190.58 acres have been released since January 2015. A total of 6051.36 acres of private land in the Northern and Eastern provinces occupied by the military remain to be released.

43. In the conflict-affected North and Eastern provinces, schools have been re-opened since the conclusion of the conflict in 2009. Children, including former child combatants recruited by the LTTE, are currently attending school. Meanwhile, since 2009 female ex-child combatants whose education was disrupted by the armed conflict have sat for GCE Ordinary and Advance Level examinations[26] conducted by the Department of Examination of Sri Lanka.

44. Since women head 23.4 percent of households in the North and East, in March 2015, the government set up a National Committee on Female-Headed Households (FHHs) and a National Centre for FHHs in Kilinochchi. These Committees have enabled FHHs to integrate into the workforce and access sustainable livelihoods. Cabinet approved a national policy on FHHs formulated by the MWCA, in consultation with relevant stakeholders including the civil society in October 2016 and which is currently being translated into a National Action Plan for WHH for the period 2017-2019.

45. A Declaration of Peace was adopted by the Government on Independence Day in 2015, and since January 2015, the government introduced the practice of singing the national anthem in both national languages (Sinhala and Tamil). The national anthem was accordingly sung in both languages at the 4th February Independence Day celebrations in 2016 and 2017.

46. The government has taken steps to strengthen the framework for the provision of psychosocial care to conflict-affected communities. For example, ONUR has worked with consultant psychiatrists and psychologists to hold 'training of trainers' workshops in the Northern Province.[27]

B. Civil and political rights

Right to life, liberty and security of persons

Recommendations set forth in paragraph 127 (2012) – 54, 74, 79, 83, 84, 110, paragraph 128 (2012) – 57, 94; voluntary pledge set forth in paragraph 4.9 (2013)

47. The NHRAP 2017-2021 includes a commitment to introduce appropriate reforms to explicitly recognise the right to life in the Sri Lankan Constitution. Given the fact that the parliamentary Sub-Committee on Fundamental Rights has recommended the inclusion of the right to life in the fundamental rights chapter of the Constitution, it is expected that the constitutional reform process will result in such inclusion.

48. The government has taken steps to investigate past occurrence of extra-judicial killings. For example, the government has informed certain witnesses residing overseas and who have been summoned to give testimony in pending judicial proceedings that they will be afforded maximum safeguards under the Assistance to and Protection of Victims of Crime and Witnesses Act including airport-to-airport security. A Bill to amend section 31 of the Act to enable witnesses to give testimony through audio-video linkage from a Sri Lankan Diplomatic Mission was gazetted in May 2017. Moreover, a military official suspected of having ordered the shooting of protestors in Rathupaswala in 2013 was arrested by the Criminal Investigations Department of the Police in May 2017.

49. Sri Lanka has abolished the practice of execution upon judicial order since 1976, and has voted in favour of the periodic UN General Assembly Resolution on the moratorium on the use of the death penalty.

50. A new Prisons Administration Bill is being finalised to enhance the efficiency of the prisons system and mitigate the issue of prison overcrowding. A draft Bill was submitted to Cabinet, and amendments suggested by Cabinet are currently being incorporated. Moreover, an Urban Prisons Relocation Programme was introduced to mitigate prison overcrowding.

51. The Prison's Department has also taken steps to mainstream the UN Nelson Mandela Rules and Bangkok Rules into prisons administration. Telephone facilities are provided to prisoners to contact their families in the Welikada Prison. Such facilities will be provided in other prisons in the future. Furthermore, a Prison Information Management System has been introduced to effectively keep records of prisoners from their registration to their discharge.

52. The GOSL cooperates with the HRCSL and the ICRC to ensure regular and unannounced visits to prisons, and in collaboration with these institutions, aims to reduce overcrowding in prisons.

53. A suspect's right to access legal counsel was strengthened through Regulations issued in 2012 by the IGP.[28] The Regulations provide that a lawyer representing the interest of a suspect held in police custody is entitled to meet with the Officer in Charge of the police station in which the suspect is being held, to ascertain the reasons for the arrest, and to make representation to the police officer on behalf of the suspect. Meanwhile, the Cabinet of Ministers approved a Criminal Procedure (Special Provisions) Amendment Bill, which aims to convert the provisions of the IGP's Regulations into statute form. The Bill will be presented to Parliament after incorporating the feedback from the HRCSL, UN agencies, and civil society.

54. The Minister of Justice appointed two special committees to review the Criminal Procedure Code and Penal Code and recommend reforms in compliance with international standards.

55. In December 2015, the government took a policy decision to reduce the number of detainees held without charge (under the PTA and previous Emergency Regulations) to zero. Consequently, at the time of the submission of this report, there were no suspects in custody under administrative detention orders i.e. all suspects arrested under the PTA were transferred into judicial custody. Measures have meanwhile been taken to expedite pending cases against suspects investigated and prosecuted under these laws. Special High Courts in Colombo and Anuradhapura were established to expedite cases filed in terms of the PTA and under the previous Emergency Regulations.

56. The government decided to review and repeal the PTA, and replace it with new counter-terrorism legislation that is compatible with international human rights standards. A draft policy and legal framework for a proposed counter-terrorism law was accordingly prepared by a committee of experts and has received the approval of the Cabinet of Ministers. Inputs of the UN Counter-Terrorism Committee Executive Directorate were considered during the deliberations relating to the drafting process. The framework, however, is yet to be finalised and converted into Bill form, following which it will be available to the public for further scrutiny.

Freedom from torture

Recommendations set forth in paragraph 128 (2012) – 60, 61, 62, 63, 76

57. The GOSL is cognizant of the continued challenges encountered with respect to combating torture in the country. It maintains a 'zero tolerance policy' on torture. In this context, several positive developments have taken place during the past two years.

58. First, the independence of the HRCSL has been strengthened. This has ensured that the premier national human rights institution of the country is afforded the space and opportunity to accurately report on the human rights situation and, where appropriate, constructively engage the government on introducing necessary improvements. The current HRCSL's reporting on torture is a direct result of this renewed independence.

59. Second, victims have been provided with an international mechanism to seek redress in cases of torture. On 6th August 2016, Sri Lanka submitted a declaration under article 22 of the CAT allowing the Committee against Torture to receive and consider communications from or on behalf of individuals regarding violations of the provisions of the Convention. The GOSL has accordingly undertaken to cooperate with the Committee, and implement its recommendations in accordance with the laws of the country.

60. Third, directives with respect to the arrest and detention of suspects under the PTA have been issued by the President and the HRCSL to security forces and police in June and May 2016 respectively. They specifically include prohibitions on the practice of torture, thereby reinforcing the political will to investigate, prosecute and punish offenders under the Torture Act.

Enforced disappearance

Recommendations set forth in paragraph 127 (2012) – 3, 4, 60, and paragraph 128 (2012) – 1, 2, 3, 4, 5

61. The GOSL has taken positive measures to investigate disappearances in the past, and to ensure non-recurrence of disappearances in the future. It has made progress in investigating the disappearance of journalists including Prageeth Eknaligoda. Several suspects have been arrested, and granted bail; prosecutions are expected to begin once investigations are completed.

62. Following the ratification of the ICPPED, a Bill that incorporates the provisions of the Convention received the approval of the Cabinet of Ministers and will be addressed in Parliament with a view to ensuring its early enactment.[29]

63. The GOSL has responded to 1,688 cases of disappearances referred to by the UN Working Group on Enforced or Involuntary Disappearances. Moreover, the Working Group undertook a visit to Sri Lanka from 9th to 18th November 2015, and noted the cooperation of the government in providing unimpeded access to places of detention.

64. In many disappearance cases, the families of the disappeared believe that the person concerned is still living. In this context, in 2016, the government enacted an amendment to the Registration of Deaths (Temporary Provisions) Act,[30] in order to issue Certificates of Absence in lieu of death certificates which would enable the families of the disappeared to access the right to utilise land and withdraw funds from bank accounts belonging to the missing person. ONUR has facilitated the activation of this process, and the Registrar General of Births and Deaths has called for applications for issuance of Certificates of Absence.

Freedom of speech and expression

Recommendations set forth in paragraph 128 (2012) – 27, 49, 83, 87

65. In August 2016, the government enacted the Right to Information Act,[31] to advance freedom of speech and expression, and media freedom. Under the law, every public authority is obliged to appoint an Information Officer to provide information to the public on request. This law calls upon public authorities to proactively disclose information in order to advance a culture of openness. It also establishes an independent Right to Information Commission to receive and dispose of complaints from citizens. The law was operationalised in February 2017, and citizens have begun to utilise the law to access information.

66. To restore media freedom, all restrictions on news websites were lifted in January 2015 following presidential instructions sent to the Telecommunication Regulation Commission. Accordingly, news websites, including those critical of the state, can operate freely without restrictions. Furthermore, restrictions on the freedom of journalists including foreign journalists to visit the North and East have been lifted.

67. Law enforcement authorities are currently investigating past attacks on journalists. For example, the investigation into the murder of Lasantha Wickrematunge, chief editor of the Sunday Leader newspaper in 2009 has been reopened. In February 2017, several suspects were arrested in connection with the murder.[32]

Freedom of thought, conscience and religion

Recommendations set forth in paragraph 127 (2012) – 56, 57, paragraph 128 (2012) – 91

68. The freedom of religion has been an issue of focus during the post-armed conflict period in Sri Lanka due to allegations of inter-religious tensions in the country. The NHRAP 2017-2021 contains a firm commitment to enforce section 3(1) of the ICCPR Act, which criminalises hate speech.

69. ONUR conducts programmes for students to promote religious coexistence.[33] Moreover, the Cabinet-approved National Policy on Reconciliation contains policy commitments to maintain the rule of law, and promote co-existence between religious communities.

70. ONUR has identified geographic locations with particular vulnerabilities to inter-religious violence, and has conducted interactive training in conflict transformation in these areas. The training was supported by UNDP, and serves as an early warning system for religious violence. Over 12,000 persons, including Buddhist, Islamic, Hindu and Christian clergy, professionals, opinion leaders and public servants were trained in 2016.

71. Meanwhile, a number of reports were filed by the Police in the magistrate's courts against persons suspected of being involved in the violence that took place in Aluthgama in July 2014. Charges will be framed against suspects based on the evidence contained in these reports.

Language

Recommendations set forth in paragraph 127 (2012) – 55, voluntary pledge set forth in paragraph 105 (2008), voluntary pledge set forth in paragraph 4.1 (2013)

72. The GOSL has prioritised the implementation of the Official Language Policy of Sri Lanka, and the Ten Year National Plan for a Trilingual Sri Lanka. The implementation of this Policy and Plan is vital to promote reconciliation in the country and to ensure meaningful access to state services. In 2016, the National Coexistence Action Plan for Social Integration was formulated.[14]

73. The GOSL has taken several constructive steps towards achieving its targets with respect to language rights. First, it has aimed to build national capacities through a Language Road Map.[15] Approximately 5,000 language/co-existence societies registered with the MCDOL have been established in communities. Presently 600 language classes are being held to teach official languages to over 15,000 persons.

74. Second, the government has launched platforms for public feedback and education. It established a Call Centre to receive public complaints. Since its establishment in 2012, the centre has received 100–150 calls per month. The website *www.bashawa.lk* was launched to enable translation services.

75. Third, model sites in selected municipal councils, urban councils, police stations, and general hospitals, and 72 bilingual facilitation cells in bilingual district and divisional secretariat divisions, have been established to improve local service delivery. These sites will be replicated in other locations. Measures are also being taken to ensure that every police station in the country has a bilingual officer on duty 24 hours of the day.

76. The Cabinet of Ministers on 9th May 2017 decided that all public and semi-government institutions as well as public places should display bilingual-trilingual signboards for the guidance and convenience of the general public. Moreover, recent amendments to the National Medicines Regulatory Authority Act[16] provide that pharmacists should dispense medicine and medical advice in the language preferred by the customer.

C. Economic, social and cultural rights

Right to health

Voluntary pledge set forth in paragraph 93 (2008)

77. Sri Lanka made a voluntary pledge to work towards the alleviation of poverty and achieving the Millennium Development Goals (MDGs) through continued investment in health services. The government reached its targets for universal child immunization with immunization coverage of children under three years reaching above 98.5 percent. The

OPV/DT (Immunization against Diphtheria, Tetanus and Poliomyelitis) coverage of five-year-old children is 86.6 percent. Meanwhile, polio has not been reported in Sri Lanka since 1996. Moreover, the neo-natal mortality rate has declined from 22.2 deaths per 1,000 live births in 1991 to 6.5 in 2013.

78. The proportion of births attended by skilled birth attendants was 99.8 percent in 2013. According to the Ministry of Health (MOH) Emergency Obstetric Care Survey (2012/2013), almost all births in Sri Lanka are institutional deliveries with trained care, and over 70 percent in specialised units.

79. The National Health Master Plan (2012-2017) has prioritised the need to increase both human and financial resources at the national and provincial levels. The Plan aims to increase the number of Public Health Midwives up to 1 per 3,000 persons by 2017 and increase DPT3 immunization up to a 100 percent by 2017.

Right to education

Voluntary pledge set forth in paragraph 95 (2009)

80. Sri Lanka made a voluntary pledge on the alleviation of poverty through education. The state provides free education from Grade 1 to university level, and offers many incentives to ensure equity and equality in access to education. Meanwhile the minimum age of education has been increased from fourteen years to sixteen years through regulations issued under the Education Ordinance of 1939[17]. Sri Lanka accordingly has a high primary education completion rate of 99.5 percent. The primary enrolment rate is 98.26 percent and the primary dropout rate is 0.23 percent. The survival rate at Grade 5 is currently 98.5 percent and the survival rate at Grade 9 is 97.8 percent. Meanwhile the secondary education enrolment rate is 98.5 percent and the secondary education completion rate is also 98.5 percent.

81. The Ministry of Education has prepared the current National Education Plan (2012-2017).[18] Meanwhile, the Child-Friendly Guidelines of 2009[19] promotes child-friendly schools, and this approach was piloted in 1,500 schools in five provinces. Key elements of the approach have now been incorporated into education policy for all 9,905 schools in the country.

82. To promote the child's experience in school, the GOSL provides students with mid-day meals, uniforms and learning materials.[20] Further, child protection committees are established in all state schools. Moreover, in an attempt to improve Tamil medium education, the GOSL recruited 2,631 Tamil medium teachers for several provinces.

Right to housing

Recommendations set forth in paragraph 127 (2012) – 88

83. The initial needs assessment conducted in November 2015 by the government revealed that there is an outstanding requirement of 137,500 houses in conflict-affected areas. Of the total requirement, 65,000 houses are to be constructed by the GOSL.[21]

84. In the meantime, 33,145 of 46,000 houses to be built with financial support from the Indian government were completed. Furthermore, 518 houses are being constructed for displaced persons in Mannar with the financial support from the governments of Pakistan, Kazakhstan and Bahrain. Additionally, 3,000 houses will be constructed under the EU grant programme in Mullaitivu, Kilinochchi and Batticaloa.

85. The housing situation and living conditions of approximately 160,000 families residing in the Plantation Sector are being addressed by line ministries through the

Plantation Human Development Trust (PHDT). A cluster based housing programme with water supply, sanitation, access roads, electricity, community centres, child development centres and temples and other common facilities was formulated and implemented to restore and improve the dignity of the Plantation Sector. The PHDT extends support to the Ministry of Plantation Industries to initially issue 'provisional' deeds and thereafter the title deeds to both spouses to ensure co-ownership, gender equality and empowerment. Thus far, 1,098 deeds have been issued to these families. Meanwhile, an Indian government grant project for 4,000 houses commenced in January 2015 in Badulla, Nuwara Eliya and Hatton. The project will be completed in 2017. Moreover, the National Plan of Action for the Social Development of the Plantation Community (2019-2025) was launched to uplift the economic, social and living conditions of the plantation community.

Livelihoods and alleviation of poverty

Recommendations set forth in paragraph 127 (2012) – 98, 67, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, voluntary pledges set forth in paragraphs 4.6, 4.16 (2013)

86. Alleviation of poverty is a high priority for the GOSL. The new economic policy orientation of the government takes into account issues relating to social security, disparities in income distribution, the plight of economically and socially marginalised sectors, and the prevailing developmental inequalities at the provincial and district levels.

87. The Government declared the year 2017 as the 'Year of Alleviation of Poverty' and decided to appoint a high powered committee, chaired by the President and comprising the Prime Minister and relevant ministers to implement a national policy on poverty alleviation with the participation of all ministries, provincial councils, statutory bodies and corporations, the private sector and non-governmental partners. The overall objective of this policy is to ensure that Sri Lanka is free of poverty by the year 2030.[42] To build an economically prosperous citizenry capable of understanding their rights and fulfilling their duties, the 'Gramashakthi People's Movement' was launched in 4th May 2017 which will be initiated in 15,000 villages by 2020.

88. The Ministry of Planning and ONUR have jointly developed detailed District Development Programme plans in consultation with various stakeholders[43] for the Northern and Eastern provinces to restore roads, irrigation channels, rural clinics, schools, housing and tanks.

89. Other livelihood initiatives include establishment of model farms in Kilinochchi[44] and Hambantota to teach 300 small farmers dry land farming to grow vegetables and fruits using methods that conserve water and fertilizer while doubling their yield and income.[45]

90. Further the Rehabilitation Authority has provided self-employment loans to over 6000 formerly displaced families, and compensation to over 60,000 families, self-employment opportunities for over 4,000 families, and housing loans to over 500 families in resettlement areas.

91. Meanwhile the GOSL continues to collect statistical information relating to socioeconomic conditions to enable identification of social and economic rights issues.

Right to work and protection of human rights in the workplace

Voluntary pledge set forth in paragraph 4.19 (2013)

92. The GOSL has taken steps to introduce legislation and regulations to ensure occupational safety, health and welfare at work in preparation for the ratification of ILO Convention 155. Occupational safety and health is covered by the Factories Ordinance, No.

45 of 1942 and in addition an Occupational Safety, Health and Welfare Act is being drafted and will be presented to the Cabinet of Ministers.

93. A National Occupational Safety and Health Policy for Sri Lanka was developed by GOSL[46] in June 2014 to establish a national occupational safety and health system and programmes to improve the working environment.

94. Moreover, the National Institute of Occupational Safety and Health was established in 2009 to conduct training programmes for employees, employers, trade unions and government officers, and to reduce the number of work-related injuries and diseases.

D. Rights of specific persons or groups

Women

Recommendations set forth in paragraph 127 (2012) – 2, 61, 62, 63, 64, 65, 66, 68, 69, paragraph 128 (2012) – 55; voluntary pledges set forth in paragraph 98, 99 (2008); voluntary pledges set forth in paragraphs 4.10, 4.11, 4.12 (2013)

95. The GOSL has taken positive measures to protect and promote the rights of women. It ratified the Palermo Protocol[47] on 15th June 2015. The GOSL also adopted the Strategic Plan on Trafficking of Persons submitted by the Ministry of Justice in February 2016.

96. Furthermore, on 12th January 2016, the GOSL endorsed the Declaration of the Commitment to End Sexual Violence in Conflict, recognising that prevention of sexual violence in conflict is critical to peace, security and sustainable development, and reiterated its commitment to ending impunity for such crimes.

97. Several measures have been taken to combat gender-based violence (GBV) in Sri Lanka. First, Women and Children's Police Desks, staffed with female officers, have been established in Police Stations, including in the Northern and the Eastern Provinces. Specially trained police officers function at such desks to provide an efficient and effective service. This network is also linked to the NCPA. Meanwhile, GBV help desks are located in hospitals in conflict affected districts.

98. Second, the Women and Child Bureau of the Sri Lanka Police operates a hotline to receive complaints with regard to GBV, and to facilitate a prompt response to such complaints.

99. Third, in consultation with various stakeholders a new referral system with a multi-sectoral approach was introduced for better response to and prevention of GBV particularly, domestic violence.[48]

100. Fourth, a group of experts drafted amendments to the Domestic Violence Act[49], (PDVA) to strengthen the legal response to domestic violence. Moreover, a National Action Plan to address GBV was developed by MWCA and is currently being refined through a process of national consultations. Meanwhile, the Cabinet has approved the establishment of the National Women's Commission to investigate complaints into violations of rights of women.

101. These measures have facilitated the investigation and prosecution of incidents of GBV. The Sri Lanka Police investigates alleged incidents of GBV, and evidence is thereafter submitted to the Attorney-General's Department for consideration of indictments. On 7th October 2015, the Jaffna High Court convicted four members of the security forces for the rape of a woman and sexually harassing another woman in Visvamadu. Meanwhile, the PDVA provides a quasi-judicial remedy in the form of protection orders in cases of domestic violence. The Police mainly receive complaints on domestic violence. Thus police

officers have been provided training on women's rights and GBV including domestic violence.

102. Other measures to advance women's rights include vocational training of ex-combatants, measures relating to access to justice, and legislative reform. Meanwhile, gender focal points have been established in each line ministry to ensure gender responsiveness at all levels of governance and policymaking.

103. Tamil speaking female Police officers have been deployed in the Northern and Eastern provinces to facilitate women's access to law enforcement. 951 Tamil speaking police officers have been recruited, and a special mechanism has been planned for the purpose of recruiting Tamil speaking persons to the police from the Northern and Eastern Provinces. Moreover, referral services such as counselling, legal aid and providing shelter for the victims have been strengthened.

104. The NHRAP 2017-2021 contains special provisions to give effect to the rights guaranteed under CEDAW. It recommends the enactment of urgent legislative amendments to the criminal law and relevant legislation to ensure that the rights of women are safeguarded. For example, it contains action points on law reforms pertaining to medical termination of pregnancies, marital rape, discriminatory personal laws, and domestic violence.

105. Moreover, positive measures have been taken to increase the participation of women in politics. For example, the Local Authorities Elections (Amendment) Act, No. 1 of 2016 reserves 25 percent of the total number of seats in a local authority for women candidates.

106. With a view to protecting migrant workers and their families, the GOSL intends to enact new legislation in line with the Convention.[50] Furthermore, the Sri Lanka Bureau for Foreign Employment (SLBFE) provides a fully automated web-based complaint management system in respect of grievances related to foreign employment. The aggrieved parties can lodge their complaints at the Head Office or at any of the decentralised Regional Offices that have been vested with the power to summon the persons concerned, to conduct inquiries into the complaints and grant redress.

107. The Labour Sections of Sri Lanka Diplomatic Missions abroad also accept complaints directly from migrant workers. Upon receipt of complaints, the Missions take necessary action in terms of the prevailing labour laws of the receiving countries. They also maintain close official relationships with the local authorities in the said countries for the purpose of arriving at settlements with regard to complaints received. Measures have meanwhile been taken to create awareness among migrant workers' family members regarding the complaints mechanism.

Children

Recommendations set forth in paragraph 127 (2012) – 70, 71, 72, 73; voluntary pledge set forth in paragraph 97 (2008); voluntary pledges set forth in paragraphs 4.8, 4.13, 4.19 (2013)

108. The GOSL through the Ministry of Labour and Trade Union Relations has taken positive measures to eradicate child labour, and expedite cases involving allegations of child abuse and exploitation. Such measures include adoption of a list of 51 hazardous occupations or working conditions in which the employment of children is prohibited. Moreover, the employment of children under the age of fourteen years is prohibited under law. A National Policy on the Elimination of Child Labour in Sri Lanka has received Cabinet approval. An action plan is also being prepared to implement the Policy.

109. In June 2016, the President signed a pledge on 'Zero Tolerance of Child Labour' during an event held to commemorate the 'Day against child labour'. The Department of Labour is the key agency responsible for eliminating child labour.

110. Public awareness with respect to child labour has been increased through campaigns such as the 'No to Child Labour and Yes to Quality Education' campaign conducted with the support of the International Labour Organisation (ILO) in 2015. For example, child labour was successfully eradicated in the Ratnapura District, where the first child labour free zone programme was initiated. The experience in Ratnapura is being replicated in similar programmes in all 25 districts in the country.

111. With the assistance of ILO, awareness workshops were held for media personnel and police officers attached to Women and Child Affairs Desks on the zero tolerance policy on child labour.

112. Complaints received on child labour by the NCPA and directly by the Department of Labour, are investigated by Labour Officers of the Department. The work of the Department has resulted in a significant decrease in child labour in the country. Recent statistics indicate that only 1% of the estimated child population of the country (age 5–17) engage in child labour.

113. The GOSL has taken note of the challenges that prevail with respect to processing cases involving child abuse and exploitation. To fully ensure that the evidence-in-chief of child witnesses may be led in the form of video recorded evidence, measures are being taken to equip police stations and courthouses with video facilities. Meanwhile, a special High Court in Anuradhapura established to hear cases involving child abuse and exploitation expeditiously disposes of such cases.

114. Moreover, the government is currently finalising the Child Protection and Justice Bill, which proposes to repeal the Children and Young Persons Ordinance,[91] in order to conform with international standards pertaining to the best interest of the child. The Bill proposes to introduce special protections to children in conflict with the law and children in need of care and protection. The Ministry launched the 'National Partnership to End Violence Against Children' (NPEVAC) on 2nd June 2017. Sri Lanka has also volunteered its commitment to become one of twelve Pathfinder Countries to the 'Global Partnership to End Violence Against Children' (GPEVAC).[92]

Persons with disabilities

Recommendations set forth in paragraph 127 (2012) – 1, 90; voluntary pledge set forth in paragraph 111 (2008); voluntary pledge set forth in paragraph 4.15 (2013)

115. Sri Lanka ratified the CRPD in February 2016. Enabling legislation is being drafted, and will be presented for approval to the Cabinet of Ministers by the end of September 2017.

116. A number of state agencies including the Ministry of Social Empowerment and Welfare have made special provisions for persons with disabilities to access employment.

117. Public Administration Circular 1988[93] recognises the need for affirmative action to increase employment opportunities, and therefore the Ministry of Public Administration has instructed all ministries, departments and corporations to fill at least 3% of vacancies in the public service by recruiting persons with disabilities possessing the requisite qualifications, and whose disability would not be a hindrance to the performance of their duties.

118. The 2012 National Human Resources and Employment Policy recognises that persons with disabilities face challenges in accessing education, vocational training, employment, and development assistance programmes. It thus specifically provides for

specific action to assist persons with disabilities to obtain employment by, for example, creating an enabling physical environment or through incentive schemes for employers.

119. An employment database has been created by the Ministry of Labour to assist persons with disabilities to connect with prospective employers. Any person with disabilities can access the website *www.employmentforpwds.org*, and register in anticipation of an employment opportunity.

120. The Department of Social Services provides free vocational training through specialised training centres. Successful trainees receive toolkits relevant to the employment in their trained field. Moreover, self-employment assistance up to Rs. 25,000 for low-income persons with disabilities to begin a new self-employment initiative, or to enhance an existing one, is granted through the National Secretariat for persons with disabilities.

121. The Disabled Persons (Accessibility) Regulations were issued in October 2006 to enhance accessibility to all public buildings, public places, and places where common services are available.

Internally displaced persons and refugees

Recommendations set forth in paragraph 127 (2012) – 91, 92, 93, 94, 95, 96, 97, 98, 99; voluntary pledges set forth in paragraph 106, 107 (2008); voluntary pledge set forth in paragraph 4.4 (2013)

122. By the end of 2016, the GOSL resettled a total of 253,231 internally displaced families consisting of 882,392 individuals in the Northern and the Eastern Provinces in their original places of living. 35 welfare camps still house 1,608 families consisting of 5,732 persons in the Northern Province. A further 172 families consisting of 486 persons remain in welfare camps in the Eastern Province. Moreover, about 11,073 families in the Northern Province and 1,498 families in the Eastern Province live with host families and therefore remain displaced. Meanwhile, 4,870 refugees of Sri Lankan origin have returned to Sri Lanka – mainly from India.

123. A further 102,000 refugees of Sri Lankan origin remain in India. According to statistics provided by UNHCR, the total number of recognised refugees currently residing in Sri Lanka as at June 2017 is 651 persons.

124. A critical challenge faced by long term IDPs and refugees is the risk of losing their land title to secondary occupiers due to 'prescription'.[54] Therefore the law was amended and the Prescription (Special Provisions) Act of 2016[55] exempts those displaced due to the activities of any armed group from the application of prescription. Meanwhile, regulations have been issued under the Mediation (Special Categories of Disputes) Act 2003[56], to facilitate the resolution of land disputes. Jaffna, Kilinochchi, Trincomalee, Batticaloa and Anuradhapura have been gazetted as areas in which special mediation boards can operate for land mediation.

125. The relevant Ministry[57] has developed a Policy on Durable Solutions for Displaced and Persons Affected by Conflict Displacement. The Policy has received Cabinet approval. It aims to guarantee the rights of the displaced, and to promote measures to address their immediate, medium and long-term protection and assistance needs, with a view to facilitating durable solutions to their displacement.[58]

Ex-combatants

Recommendations set forth in paragraph 127 (2012) – 48, 49, 50; voluntary pledge set forth in paragraph 4.5 (2013)

126. 12,156 ex-combatants, including 594 child combatants, who surrendered to the security forces at the conclusion of the conflict in 2009, have undergone a one-year rehabilitation programme designed to assist reintegration. The strategies and activities for rehabilitation included improving their physical and mental state through spiritual, socio-physiological, personality and leadership training for six months, followed by six months of vocational and technical training.

127. The Rehabilitation Authority of Sri Lanka has granted Self-employment Loans to 1,799 ex-combatants rehabilitated in the years 2012 and 2013. A sum of Rs. 302 Million has been disbursed for this purpose. In 2017, 2,357 ex-combatants were trained under this scheme to apply for loans, and 160 applicants were given loans worth Rs 32.6 million out of 1,085 who were recommended by the Rehabilitation of Persons, Properties and Industries Authority (REPPIA). The approval of Cabinet of Ministers has also been granted to formulate a suitable mechanism to recruit 35 rehabilitated graduates under the Graduates Employment Scheme.

128. 212 out of 361 ex-combatants who sat for the GCE O/L examinations passed the examinations. 65 candidates were female ex-combatants. 37 ex-combatants meanwhile qualified for entering university in 2010 following success at the GCE A/L examinations. 29 of these candidates were female ex-combatants. Hence the process of reintegrating ex-combatants, including child and women ex-combatants, into society has seen notable progress. A total number of six ex-combatants remain to be rehabilitated, and will be released and reintegrated into society upon completion of the rehabilitation programme in December 2017. Further cases of rehabilitation are anticipated in light of the option given to suspects under the PTA to voluntarily undergo rehabilitation in lieu of prosecution.

V. Emerging issues, and support of the international community

Emerging issues

129. Several important issues pertaining to human rights have emerged since Sri Lanka's second UPR cycle in 2012. First, the global sustainable development agenda, which culminated in the SDGs, has shaped Sri Lanka's policies on human rights promotion and protection. SDG 16 is particularly relevant in this regard.[59]

130. The programmes described in this National Report contribute towards the achievement of SDG 16. A noteworthy development in this connection is the decision made by the GOSL to design, develop and implement a national policy and strategy on sustainable development and facilitate all responsible agencies to follow up and monitor the progress with regard to the 17 Sustainable Development Goals and 169 associated targets adopted by the UN in 2015. Accordingly, a draft law to provide for the development and implementation of a national policy and strategy on sustainable development was approved by the Cabinet of Ministers in July 2016. The draft Sri Lanka Sustainable Development Act will be considered by Parliament shortly.

131. Second, the issue of constitutional reform has emerged in Sri Lanka since 2012. The current constitutional reform agenda focuses on reforming the powers of the executive presidency, delivering meaningful power-sharing arrangements through the devolution of power, and improving the electoral system by moving from a proportional representation

system to a mixed system. These reforms aim to improve democratic accountability, advance the autonomy of people in governance, and enhance the right to vote. These priorities are currently reflected in the NHRAP 2017-2021.

132. Third, climate change, and its relationship to human rights, has emerged as a major priority area for the GOSL. At the 71st Session of the UN General Assembly, the President highlighted the importance of environmental sustainability. The GOSL is thus committed to integrating human rights protection and promotion into its environmental policies and disaster response strategies.

133. Pursuant to the policy decision taken by the GOSL, Sri Lanka joined the Open Government Partnership in 2015, and adopted a National Plan of Action aimed at strengthening democracy, governance, transparency, rule of law and anti-corruption.

UN cooperation and assistance

Recommendations set forth in paragraph 127 (2012) – 43, 44, 47, and paragraph 128 (2012) – 43, 44, 45, 46, 47, 48, 50, 51, 52; voluntary pledge set forth in paragraph 88 (2008); voluntary pledge set forth in paragraph 4.7 (2013)

134. The GOSL has sought and received the support of the international community and the UN. In November 2015, Sri Lanka became eligible to receive financial support from the UN Peace-building Fund's longer term Peace-building and Recovery Facility. The UN and the government have since moved forward in developing and implementing a Peace-building Priority Plan. The GOSL has sought technical support from the UN in a variety of areas including in the preparation of policies and legislation. It also plans to seek technical assistance in collecting and analysing aggregated data.

135. Cooperation between the GOSL and UN institutions and processes has increased significantly over the last two years. Apart from the historic co-sponsorship of UNHRC Resolutions 30/1 and 34/1, the GOSL has met UN treaty reporting obligations, and has cooperated with UN special procedures and the UN High Commissioner for Human Rights. The High Commissioner, Zeid Ra'ad al Hussein, visited Sri Lanka from 6th to 9th February 2016 and the Secretary-General visited in September 2016 on invitations by the GOSL. Moreover, the Special Rapporteurs on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence; on the Independence of Judges and Lawyers; on Torture and other Cruel, Inhuman or Degrading Treatment and Punishment; on Minority Issues; and on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; and the UN Working Group on Enforced or Involuntary Disappearances have visited Sri Lanka in the last two years. Meanwhile, a standing invitation has been extended to all special procedures on 17th December 2015. In this context, the GOSL had agreed to the future visits of the Special Rapporteurs on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence, and on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and the Working Group on Arbitrary Detention.

Civil Society concerns

136. Participants in public consultations acknowledged the improvements that had taken place in the overall human rights situation in Sri Lanka since January 2015. However, varied views were expressed with regard to the pace of progress, and the rate and frequency of the fulfilment of commitments made by the GOSL with respect to human rights.

137. Among the key priorities highlighted during the public consultations are: Expediting constitutional reforms and ensuring a strengthened fundamental rights chapter that provides for (i) specific rights such as the right to life and non-discrimination based on sexual orientation and gender identity, (ii) justiciable economic, social and cultural rights, (iii) the justiciability of human rights infringements by non-state actors, and (iv) regional courts with jurisdiction to hear fundamental rights applications; Strengthening safeguards with respect to due process during the arrest of suspects and effectively addressing the incidence of torture as well as undue delays in investigations, prosecutions and convictions in instances of torture; Repealing the PTA and replacing it with a law meeting international standards, and introducing key legislation to criminalise enforced disappearances; Operationalising and adequately resourcing the OMP; Ensuring justice for past violations of human rights, including attacks on journalists.

138. The key priorities also extend to: Preventing acts of violence and intimidation against religious and ethnic communities, and ensuring, effective prosecution and punishment of perpetrators of violations including hate speech and the effective implementation of the ICCPR Act; Strengthening the institutional independence of the Witness Protection Division of the Police, and raising public awareness on the procedures and remedies available under the Assistance to and Protection of Victims of Crime and Witness Act; Expediting the release of private lands in the possession of state authorities including the security forces and addressing land occupation by government departments particularly in the East; Overcoming specific challenges faced in the implementation of the official language policy: first in general public administration in accessing state services such as education, health and documentation in the language of choice, and second, in recruiting Tamil-speaking female professionals to serve at the Women & Children Desks in police stations; Overcoming specific challenges faced by women including discriminatory practices and legal provisions, increasing participation of women in politics, expediting prosecutions and convictions in cases of violence against women, implementing initiatives and reforms for vulnerable groups such as FHHs, women affected by conflict, female ex-combatants, migrant women, women belonging to minority ethnic and religious groups, and women with disabilities; Overcoming specific challenges faced by children and adolescents including vulnerability to child labour, homelessness and drug addiction.

139. Priorities relevant to specific groups ranging from increasing employment opportunities for youth in local development projects especially in the East; Overcoming specific challenges faced by persons with disabilities, including children with disabilities, in employment and education, and access to state services and basic amenities; Overcoming specific challenges faced by the *Adivasi* community (an indigenous group) in protecting and preserving their culture, language and traditions, and securing sustainable livelihoods; Overcoming specific challenges faced by communities in the Plantation Sector, particularly with regard to accessing education, healthcare, housing & language; Effectively implementing the Policy on Durable Solutions for the Displaced and Persons Affected by Conflict Displacement to address issues faced by returning IDPs and refugees with regard to land issues, livelihoods, employment, and the loss of documentation; Introducing a comprehensive policy on asylum seekers and stateless persons; To making human rights education mandatory for school children.

140. The concerns raised during these consultations are reflected in this National Report to the extent possible. The GOSL appreciates the constructive feedback offered by those who participated in the consultations, and the contribution they consequently made in the preparation of this National Report. The GOSL is mindful of the challenges before it in the promotion and protection of human rights in Sri Lanka, and reaffirms its commitment to the full realisation of human rights in the country.

Notes

[1] From the Report of the Working Group on the Universal Periodic Review, 5 June 2008, (A/HRC/8/46).

[2] The Chapter contains, *inter alia*, the freedom of thought, conscience and religion, the freedom from torture, the right to equality and non-discrimination, the freedom from arbitrary arrest, detention and punishment, and the freedoms of speech, assembly, association and movement.

[3] *Sriyani Silva v. Iddamalgoda* [2003] 2 Sri L.R. 63.

[4] Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Act No. 22 of 1994.

[5] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[6] The International Covenant on Civil and Political Rights Act No. 56 of 2007.

[7] For instance, section 5(2) of the ICCPR Act entrenches the 'best interests of the child' principle by providing: 'In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance'.

[8] From the Report of the Working Group on the Universal Periodic Review, 18 December 2012 (A/HRC/22/16).

[9] Act No. 4 of 2015.

[10] The Victims of Crime and Witnesses Assistance and Protection Fund.

[11] The National Authority for the Protection of Victims of Crime and Witnesses.

[12] The Victims of Crime and Witnesses Assistance and Protection Division.

[13] Under the proposed legislation on the Rights of Persons with Disabilities, a new authority with oversight functions with respect to disability rights will be established. Moreover, a draft Bill on the International Convention for the Protection of All Persons from Enforced Disappearance received the approval of Cabinet, and will be discussed in Parliament with a view to ensuring its early enactment.

[14] Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

[15] The Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Rights of the Child.

[16] However, these institutional arrangements are subject to the overall accountability and effective monitoring and reporting of the MWCA as the apex body concerned with the rights of the child.

[17] From the Report of the Working Group on the Universal Periodic Review (Addendum) – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 21 February 2013 (A/HRC/22/16/Add.1).

[18] These areas include (1) civil and political rights, (2) economic social and cultural rights, (3) prevention of torture, (4) women's rights, (5) child rights, (6) rights of migrant workers, (7) rights of internally displaced persons, (8) rights of persons with disabilities, (9) labour rights, and (10) environmental rights.

[19] For instance, the Parliament of Sri Lanka and the Commonwealth Parliamentary Association hosted a Commonwealth Regional Seminar on the Role of Parliamentarians in the Promotion and Protection of Human Rights in February 2016. Members of Parliament, ministers and human rights experts from Sri Lanka and other Commonwealth countries in Asia including Bangladesh, India, Pakistan and the Maldives attended the seminar.

[20] Resolutions 30/1and 34/1 titled 'Promoting reconciliation, accountability and human rights in Sri Lanka' were adopted by consensus in September 2015 and March 2017 respectively.

[21] The Policy provides direction to the process of reconciliation in the country, and steers all stakeholders working on reconciliation towards a uniform and coherent approach to national reconciliation.

[22] Consequent to a joint Cabinet Memorandum submitted by the President as the Minister of National Integration and Reconciliation, and the Minister of National Co-existence, Dialogue and Official Languages.

[23] The SCRM is currently engaged with the UN in finalising the monitoring and evaluation components of the Plan in addition to finalising the concept notes which have been developed in close coordination with key government stakeholders and UN agencies.

[24] The Chairperson of ONUR, former President Chandrika Bandaranaike Kumaratunga, chairs this Committee, and the Secretary General of the SCRM serves as the convenor of the Committee.

[25] The recommendations of the abovementioned CTF were fully considered in the drafting process.
[26] General Certificate of Education (GCE) Ordinary Level (O/L) and Advance Level (A/L) examinations.
[27] The workshops aim to train over 1,000 Development Officers in the provision of support to traumatised individuals in their respective communities.
[28] Under section 55 of the Police Ordinance, No. 16 of 1865.
[29] The Bill proposes to criminalise enforced disappearance, and to provide the families of victims with effective remedies to obtain compensation and to seek information on the whereabouts of victims.
[30] Act No. 19 of 2010.
[31] Act No. 12 of 2016.
[32] A Cabinet Sub-Committee to grant relief to media personnel who were harassed or attacked during 2005-2015 called for appeals until 1 May 2017.
[33] In 2016, 133 cultural and religious festivals were celebrated on a multi-cultural basis, with the participation of over 47,500 students in 1,009 schools in 21 districts. Similar multi-cultural and multi-religious festivals will be celebrated in 2017 to ensure that children of different ethnic and religious backgrounds appreciate the values and customs of their compatriots.
[34] The Plan was prepared to allow inclusive and sustainable peace and development, co-existence and reconciliation through the three pillars of ethics, education and empowerment.
[35] The Ministry of National Co-existence, Dialogue and Official Languages has completed conversational workshops for secretaries of ministries, district secretariats (25 districts) and divisional secretariats (331 divisions) and for heads of the local government institutions.
[36] Section 120 (5) of No. 5 of 2015 provides: 'The Pharmacist shall when dispensing the medicine, medical device or borderline product provide the customer with a description of such medicine, medical device or borderline product, in the language requested for by such customer.'
[37] Education Ordinance, No. 31 of 1939.
[38] The Plan was formulated in consultation with national level education agencies and the Provincial Education Authorities (PEAs). It is a comprehensive plan based on national education policies, international commitments, government policy declarations on education, and the concerns of PEAs.
[39] Ministry of Education developed the Child Friendly Guidelines in collaboration with the Australian Government and UNICEF.
[40] The Ministry of Education allocates 10% of its budget for subsidies to provide free textbooks to all students from grade 1 to grade 11. Furthermore, vouchers for school uniform material are provided to all students. 72,480 bursaries are meanwhile provided to children of low-income families to enhance access to secondary education. Additionally, school nutrition programmes are implemented in approximately 8,023 focus schools in underprivileged areas.
[41] Budgetary provisions have been allocated to construct 8,000 housing units in the Northern and Eastern provinces to meet the immediate and urgent requirements. Further, 1,000 partially damaged houses will be repaired in the Northern and the Eastern provinces. This programme will provide IDPs and refugee returnees with affordable and appropriate housing solutions with social infrastructure and livelihood protection.
[42] Accordingly, a Bureau directly under the President has been established to coordinate the state and private sectors as well as the public in the reduction of poverty and in the implementation of a community-driven collaborative rural development approach.
[43] The plans were drafted in consultation with the district secretaries, development agencies and community leaders.
[44] The model farm in Kilinochchi is under the supervision of the University of Jaffna and the Hambantota farm is under the supervision of the University of Ruhuna.
[45] Additionally, the Ministry of Rural Economy has developed projects to support livestock farming, which plays a major role in alleviating poverty and increasing the nutritional level of rural communities. Several livestock projects are being implemented island-wide, in collaboration with the Provincial Department of Animal Production and Health, to promote and upgrade dairy, goat, sheep, swine and poultry farming. The GOSL has also played a facilitating role by establishing livestock farmer training centres in Kilinochchi and Vavuniya in the Northern Province and at Uppuveli and Batticaloa in the Eastern Province.
[46] The Plan was prepared by the Ministry of Labour in collaboration with the Ministry of Health. The policy applies to all sectors including agriculture, industry, construction, tourism and transport.

[47] The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).

[48] Meetings were held with law enforcement officers, medical personnel, health care workers, village leaders and representatives from schools to review the GBV response mechanisms.

[49] Prevention of Domestic Violence Act No. 34 of 2005.

[50] International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. New legislation titled Sri Lanka Employment Migration Authority Act seeks to set up an authority on Migration that would provide a more expanded role for the SLBFE. The new legislation would provide for the establishment of a National Chamber of Licensed Foreign Employment Agencies and the setting up of a Foreign Employment Promotion Fund.

[51] Children and Young Persons Ordinance, Act No. 48 of 1939.

[52] As a Pathfinder Country, Sri Lanka has pledged to develop and implement a new strategy in line with the SDG 2030 agenda in order to deliver the vision of a world where all children grow up free from violence and exploitation.

[53] Public Administration Circular No. 27/88 of 18 August 1988.

[54] The loss of legal entitlement to one's land due to the adverse possession of such land by another party over a period of ten years.

[55] Act No. 5 of 2016.

[56] Act No. 21 of 2003.

[57] The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs.

[58] The Policy delineates the roles and responsibilities of relevant government institutions and their national and international partners, describes the challenges that must be addressed as a matter of urgency, sets out a process for monitoring implementation of the Policy, and provides for redress through grievance mechanisms.

[59] SDG 16 is relevant, as it aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.' The SDG contains targets specifically relevant to human rights, such as: (a) Ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements; and (b) Strengthening relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.